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THE GAME AND FISH LAWS

OF COLORADO

REVISION OF 1909

Amendment as to Open Seasons in Effect

JULY 28th, 1909

Revised and Published by Authority

T. J. HOLLAND

**STATE GAME AND FISH COMMISSIONER
DENVER, COLORADO**

JAMES A. SHINN

**DEPUTY GAME AND FISH COMMISSIONER
DENVER, COLORADO**



Denver Democrat Printing Co., Denver, Colorado



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NOTE:

No license required for Residents to fish.

THE GAME AND FISH LAWS OF COLORADO

REVISED 1909

T. J. HOLLAND, Commissioner

NOTE—For convenience the section numbers herein are the same as in the Colorado Revised Statutes, 1908. All changes of 1909 are printed in black-face type and go into effect on July 28, 1909.

I. Division A. Department Created, Commissioner and Wardens, Powers and Duties, Ownership of Game and Fish, General Provisions.—2725-2752.

II. Division B. General Regulations, Open Seasons, Number, Quantity.—2753-2760.

III. Division C. Public and Private Parks, Lakes and Preserves, Sale of Game and Fish Therefrom.—2761-2792.

IV. Division D. Importation, Transportation, Storage, Seizure, Sale.—2793-2810.

V. Division E. Hotels and Restaurants.—2811-2813.

VI. Division F. Unlawful Devices, Destruction of Same, Diversion and Pollution of Waters.—2814-2832.

VII. Division G. Hunting Licenses.—2833-2846.

VIII. Division H. Guide Licenses.—2847-2849.

IX. Division J. Taxidermists, Scientific Societies, Mounted Specimens.—2850-2858.

X. Division K. Domestic Certificates, General Provisions.—2859-2864.

XI. Division M. Records, Reports, Fees, Repeal, Taking Effect.—2865-2873.

XII. Division N. (G) Penalties, Prosecutions, Fines.—2874-2885.

XIII. Birds, Nests and Eggs.—2886-2893.

DIVISION A.

Department Created—Commissioner and Wardens—Powers and Duties—Ownership of Game and Fish—General Provisions.

2725. The department of game and fish is hereby created and immediately upon the passage of this Act, and every two years thereafter, the governor shall, by and with the consent of the Senate, appoint some person, skilled in matters relating to game and fish, to be the State Game and Fish Commissioner who shall be the head of the Game and Fish Department and shall take his office on the first day of April of each biennial period. The governor may at any time remove the commissioner for cause, and in vacation of the Senate may fill any vacancy in the office for the unexpired term by appointment in writing filed with the secretary of state.

The commissioner shall be a resident and citizen of this state, and shall hold his office for the term of two years or until his successor shall be duly appointed and qualified; the commissioner shall receive a salary of eighteen hundred dollars (\$1,800) per annum, together with his reasonable and necessary traveling expenses, not exceeding six hundred dollars (\$600) per annum, to be paid as the salary and expenses of other state officers; and such commissioner shall have the power to appoint a deputy state game and fish commissioner at a salary of fifteen hundred dollars (\$1,500) per annum, together with his reasonable and necessary traveling expenses, not exceeding four hundred dollars (\$400) per annum, to be paid as the salary and expenses of the commissioner are paid; and the commissioner may revoke such appointment at any time and appoint a successor. [L. '07, p. 415, §1.]

2726. Before entering upon the duties of his office, the commissioner shall give a bond to the state of Colorado in the sum of \$5,000, for the faithful performance of such duties, with sureties to be approved by the auditor of state, and he shall also take and file an oath similar to that required of other state officers. [L. '99, p. 184, §2.]

2727. The commissioner shall be provided with an office at the state capitol, and with suitable furniture, stationery and other facilities for the transaction of the business of his department. He may appoint a clerk at a salary not exceeding \$1,000 per annum, and may at any time move said clerk and appoint a successor. [L. '99, p. 185, §3.]

2728. The commissioner may in writing by and with the approval of the governor appoint and keep in service not more than five chief game wardens, who shall be residents and citizens of this state, such appointments

filed with the state auditor. Each chief game warden shall receive a salary of \$900 per annum, and his reasonable and necessary traveling expenses, and not exceeding \$300 per annum. If deemed necessary for the proper enforcement of this act, the commissioner may, with the approval of the governor, appoint deputy game wardens for a limited time, and not exceeding twenty in number at any one time, at a compensation not exceeding at the rate of \$100 per month, each, while actually engaged in duty, which shall be in full for services and ordinary expenses, provided that in no event shall the deputies and special wardens so appointed, or any of them exercise the powers of a deputy sheriff except for the purposes of enforcing the provisions of this act.

The commissioner may also appoint by and with the approval of the governor special game wardens, to serve without pay, who shall have the same powers as deputy wardens. The commissioner may revoke the commission of any warden, and appoint his successor at pleasure by and with the approval of the governor.

All moneys received from fees and licenses of all kinds as provided by this act shall be deposited by the commissioner in the state treasury in a fund to be known as the fish and game cash fund, and may be used by the commissioner for the purpose of employing additional game wardens as above provided, and also for the propagation and protection of fish and game as provided in section 2749 of this division, and the auditor of state by and with the approval of the governor shall, upon the presentation of vouchers properly drawn and signed by the commissioner, issue a warrant or warrants upon the state treasury payable out of the fish and game cash fund for the purposes mentioned, but in no event shall the auditor draw a warrant or warrants payable from the fish and game cash fund unless there shall be money in said fund to pay such warrant or warrants. [L. '09, p. —, §1.]

2729. The commissioner may also by writing filed in the office of the secretary of state, appoint a superintendent of state fish hatcheries, who shall be skilled in fish culture, and who shall hold his office for the term of two years, subject to the power of the commissioner to remove him at any time, and to appoint a successor in like manner. The superintendent shall receive a salary of \$1,200 per annum, and his reasonable and necessary traveling expenses, not exceeding \$400 per annum. The commissioner may also appoint an assistant superintendent at each of the operative fish hatcheries of the state, at a salary of \$900 per annum, each; provided, that the salary of the assistant at the Denver hatchery shall be \$1,200 per annum. [L. '99, p. 185, §6.]

2730. The commissioner shall have power to prescribe

such rules, regulations and forms as may be required to carry out the true intent of this act, and not inconsistent herewith. [L. '99, p. 186, §7.]

2731. Except as herein otherwise specially provided, all money received under this act by a warden shall be paid over to the commissioner. Those received by the commissioner shall be paid over monthly to the state treasurer, and those received by the state treasurer, from whatever source, under the provisions hereof, shall constitute a game fund, and be used exclusively for the payment of the salaries and expenses incurred as provided herein, and in the event such fund shall at any time prove insufficient, the deficiency shall be paid out of any moneys in the state treasury, in the same manner as those of other state officers, and such appropriations shall be made as may be necessary therefor. Payments of salaries and expenses shall be made monthly upon verified accounts in detail, approved by the commissioner and governor, and warrants drawn by the auditor of state. [L. '99, p. 186, §8.]

2732. It shall be the duty of the commissioner and chief wardens to devote their entire time to the performance of the duties specified in this act, and to cause prosecutions to be instituted and conducted for the punishment of violations thereof. In the performance of their duties the commissioner and wardens shall have all the rights and powers, throughout the state, of sheriffs and constables in their respective counties, except as herein otherwise provided. [L. '99, p. 186, §9.]

2733. The commissioner shall biennially make to the governor a report of the transactions of his department which shall contain an account of the work done, of moneys expended and recommendations for future work, the cost of said report not to exceed \$200. [L. '99, p. 186, §10.]

2734. The commissioner and every warden throughout the state, and every sheriff and constable in his respective county, is authorized and required to enforce this act and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and with or without a warrant to open, enter and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns, and other places, boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; provided, that a dwelling house actually occupied can be entered for examination only in pursuance of a warrant. [L. '99, p. 187, §11.]

2735. Where game or fish, while being transported, is seized under this act, the officer making such seizure

shall have authority, upon payment of reasonable compensation therefor, to also take possession of and use any animals and vehicles used in such transportation for the purpose of conveying the game or fish seized to a convenient railroad station or place of safe keeping or sale, and also for conveying any person arrested for the unlawful possession of such game or fish to a place of hearing or trial, and no liability shall attach to such officer by reason thereof, but this section shall not apply to any animal or vehicle while being used as a public conveyance for passengers or mails, or to any railroad car. [L. '99, p. 187, §12.]

2736. In case Indians or other persons shall engage in the hunting or killing of game or fish in violation of this act, in such number as to be beyond the reasonable power of the commissioner or any chief warden to control, or in case of forcible resistance to the enforcement thereof, it shall be the duty of the sheriff of the county in which such violation exists, upon demand of the commissioner or any chief warden, to aid him in the enforcement of this act, and to call to his assistance, at once a sufficient number of persons to enforce the same promptly and effectually, or, if by him deemed necessary, said commissioner or chief warden may call such assistance without the intervention of the sheriff. The failure, without good cause, of any person called to assist in such enforcement to respond and render such assistance shall be deemed a violation of this act. [L. '99, p. 187, §13.]

2737. No person shall set fire to any timber or grass on land belonging to this state or to the United States, or set fire in any place where it is liable to spread to such timber or grass, nor leave any camp fire unextinguished, and every officer having authority in relation to timber or timber reserves of the United States shall have the same authority under this act as a deputy warden. [L. '99, p. 188, §14.]

2738. The commissioner may, if he so elect, bring and maintain a civil action in the name of the people of the state for the possession of any game or fish taken, killed or held in violation of this act, or for the value thereof, against any person in possession or exercising control over the same, and if required by the commissioner, a writ of replevin shall issue therein without bond. No previous demand for possession shall be necessary. In case costs or damages are adjudged in favor of the defendant, the same shall be paid out of the game fund. Neither the pendency of such action nor of a criminal prosecution for the same taking, killing or possession, shall be a bar to the other, nor shall anything in this section affect the right of seizure under the other provisions of this act. [L. '99, p. 188, §15]

2739. All game and fish now or hereafter within this state not held by private ownership, legally acquired and,

which for the purposes of this act shall include all the quadrupeds, birds and fish mentioned in this act, are hereby declared to be the property of the state, and no right, title, interest or property therein can be acquired or transferred, or possession thereof had or maintained except as herein expressly provided. [L. '99, p. 188, §16.]

2740. No fish, fry or ova which may be in any of said hatcheries shall be sold or disposed of; provided, that the superintendent of state fish hatcheries shall not be prevented by the above provision from exchanging either fish, fry or ova with any other hatchery. [L. '97, p. 35, §7.]

2746. As used in this act, and unless otherwise specifically restricted or enlarged, the word game includes all the quadrupeds and birds, and the word fish includes all fish (except white salmon, suckers, carp and squaw fish) mentioned herein, and now or hereafter within this state and not held by private ownership legally acquired. [L. '99, p. 189, §17.]

2747. As used in this act, unless otherwise specifically restricted or enlarged, the words herein and hereof refer to the whole act; the words person, owner, proprietor, grantee, lessee or licensee include a firm, association, corporation or municipality; the word commissioner means the state game and fish commissioner; the word warden or wardens include the chief wardens, deputy wardens and special wardens provided for herein; the word officer includes every person authorized to enforce this act; and whenever the possession, use, importation, transportation, storage, taxidermy, sale, offering or exposing for sale of game or fish is prohibited or restricted, the prohibition and restriction, shall, where not specifically otherwise provided extend to and include every part of such game or fish, and a violation as to each individual animal or part thereof shall be a separate offense, and two or more offenses may be charged in the same complaint, information or indictment, and proof as to a part of an animal shall be sufficient to sustain a charge as to the whole of it; and violations as to any number of animals of the same kind may be charged in the same count and punished as a separate offense as to each animal. [L. '99, p. 189, §18.]

2748. The possession at any time of game or fish unaccompanied by a proper and valid license, certificate, permit, or invoice, as herein provided, shall be prima facie evidence that such game or fish was unlawfully taken and is unlawfully held in possession, and it shall be the duty of every person having the possession or control of game or fish to produce the proper license, certificate, permit, or invoice, when one is required by this act, on demand of any officer, and to permit the same to be inspected and copied by him. [L. '99, p. 189, §19.]

2749. The commissioner may take, or authorize the

taking from any of the waters of this state, at any time, and in any manner, by competent assistants skilled in such work, and avoiding in every way possible injury to the fish so taken from the public waters for such purposes, any fish or spawn belonging to the state for the purpose of propagating or stocking other waters in this state, or exchanging with the fish commissioners of other states or of the United States, but no such fish or spawn shall be taken or used for propagation in or stocking of any private lake, nor shall anything herein prohibit the purchase, by the commissioner, of fish fry and eggs for stocking waters in this state, but no fry or eggs of fish destructive of trout shall be placed in public waters without the consent of the commissioner. All spawn of rainbow trout taken from any stream of this state, for use in the state fish hatcheries, shall be hatched and fed and nursed at such hatcheries for at least three months, when not less than fifty (50) per cent of the fry resulting from such hatching and feeding shall be returned to the stream from which the original spawn was taken.

The commissioner may also use the fish and game cash fund for the purchase of fish, fish fry, fish eggs, game quadrupeds and game birds of any kind, deemed suitable by him for propagation within this state, and shall distribute the same in such manner as may be deemed by him most effectual to promote such propagation. He may also, with the approval of the governor, lease from owners of licensed lakes the right to take spawn from such lakes for the purpose of supplying the hatcheries of the state.

The commissioner may also authorize the retention by any resident of the state of any young game animal which has been abandoned by its mother and taken in good faith for the purpose of saving its life; but no more than two such animals shall be retained by one person at the same time.

The commissioner, with the written permission of the governor, may also at any time and in any manner take game running at large within the state, for the purpose of propagation in other parts of the state, but the same shall not be used for stocking any private park. [L. '09, p. —, §2.]

2750. In case of a violation of this act by a corporation, the warrant of arrest may be read to the president, secretary or manager in this state, or any general or local agent thereof in the county where the action is pending, and upon its return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation, but this section shall not be deemed to exempt any agent or employe from prosecution. [L. '99, p. 190, §21.]

2751. In case the commissioner shall revoke the commission of a warden he shall immediately notify him in writing, and it shall be the duty of the person whose commission is revoked immediately on receipt of such notice to mail such commission to the commissioner at Denver and to refrain thereafter from acting or assuming to act as a warden. [L. '99, p. 190, §22.]

2752. If the holder of any license, certificate or permit shall persistently or flagrantly and knowingly violate or countenance the violation of any provision of this act, such license, certificate or permit shall be revoked by the commissioner after due notice given of the alleged violation and an opportunity afforded to appear and show cause against the same. [L. '99, p. 190, §23.]

DIVISION B.

General Regulations—Open Seasons—Number—Quantity.

2753. No person shall at any time of the year, or in any manner, pursue, take, wound or kill any bison, buffalo, elk, deer, antelope, mountain sheep or beaver, or any of the following wild birds, viz.: Turkey, prairie chicken, sage chicken, grouse, quail, pheasant, partridge, ptarmigan, duck, goose, brant, swan, crane, water fowl, pigeon, dove, snipe, or curlew, or any trout, white fish, grayling, sunfish, bass, wall-eyed pike or other food fish, or sell, offer or expose for sale or have the same in possession, except as permitted by this act. Whenever it shall become necessary by reason of snow or other failure of their natural food supply to feed any of the animals mentioned in section one of this act in order to prevent them from suffering, it shall be the duty of the state fish and game commissioner to provide them with such food as may be necessary, to be paid for out of the fees of his office, with the approval of the governor, and the auditor shall issue his warrant for the same. [L. '99, p. 191, §1.]

2754. No person shall shoot from a public highway at game, or fish or hunt game in any enclosure not public land without the consent of the owner or persons in charge of the same, nor fish or hunt in any park, lake or preserve licensed under this act without the consent of the proprietor or person in charge of the same, and no question of ownership, proprietorship, or charge, shall defeat a prosecution unless it appears that the accused in good faith has heretofore claimed and at the time of the commission of the act complained of, claimed to be such owner, proprietor or to have such charge, or to have had the consent of the owner, proprietor or person in charge, and shall establish such claim. [L. '99, p. 191, §2.]

2755. No person shall have in possession or transport the carcass of any game quadruped or any considerable portion of such carcass unless the same has thereon the natural evidence of its sex sufficient to enable such sex to be readily determined by ordinary inspection. [L. '99, p. 191, §3.]

2756. Every person lawfully taking any fish alive and desiring and entitled lawfully to retain the same, shall immediately kill it, unless it is intended to be kept alive, in which case it shall be immediately placed in a suitable receptacle containing sufficient water and given proper care and attention. [L. '99, p. 191, §4.]

2757. No game or fish shall be used for baiting any trap, device or deadfall, nor shall any edible portion of game or fish be abandoned or permitted to go to waste, nor shall the nest of eggs of any game bird be wilfully dis-

turbed, destroyed or held in possession. [L. '99, p. 192, §5.]

2758. No dynamite or other explosive or poisonous or stupefying substance whatever shall be used in the taking or killing of any fish, nor placed in any waters containing fish, except when done by public authority for public improvement, nor shall any ties or timber be driven or floated down any stream containing fish. [L. '99, p. 192, §6.]

2759. It shall be lawful to pursue, take or kill, during the open season therefor, in the manner, of the kind, for the purpose and to the number and extent in this provision provided, the following game and fish, and the open season therefor in each year shall begin and end as hereinafter provided, both dates inclusive, namely:

First. For deer having horns, October 1st to October 10th, inclusive, commencing in 1909.

Second. For male mountain sheep having horns, September 25th to September 30th, commencing 1924.

Third. For male antelope having horns, September 25th to September 30th, commencing in 1912.

Fourth. For elk having horns, November 1st to November 5th, commencing in 1924.

Fifth. For prairie chickens, October 1st to October 20th, commencing in 1909.

Sixth. For sage chickens and mountain and willow grouse, September 10th to October 10th, commencing in 1909.

Seventh. For pheasants, capercailzies, black games, and other grouse not indigenous to this state, September 1st to September 20th, commencing in 1914.

Eighth. For ducks, geese, brants, swans, cranes, and other water fowls, September 10th of each year to April 15th of the following year, commencing in 1909.

Ninth. For plovers, curlews, snipes and other wading, marsh and shore birds, March 1st to April 15th, and August 1st to November 30th, commencing in 1909.

Tenth. For doves, August 20th to September 5th, commencing in 1909.

Eleventh. For Bob White quail, October 1st to October 20th, commencing in 1912.

Twelfth. For crested quails, October 15th to October 30th, commencing in 1912.

2759-a. The open season for trout not less than seven inches in length shall begin May 25th and end November 30th next ensuing, and in no instance shall fishing be done between the hours of 10 o'clock p. m. and 4 o'clock a. m. There shall be no closed season on any other kind of fish excepting trout.

2759-b. Beavers which interfere with the maintenance or operation of any canal, ditch or lawful dam, or the cultivation of land, or injure timber, may be killed at any time in pursuance of written permission from the commissioner

first obtained, under such regulations as he may provide as to the disposition of the skins.

2759-c. The right given by this division to take or kill game and fish is limited to food purposes, and to 20 geese and 20 other birds of the same kind, and 20 pounds of trout in one calendar day, and no person shall take, kill or have in possession in any one open season more than one game quadruped of the same kind, nor shall any person have in possession at any one time more than 25 geese, 25 ducks and 25 other birds, nor more than 25 pounds of trout; nor shall any person under 12 years of age be entitled to hunt except on his own premises, or those of a relative or guardian, or take, kill, or have in possession more than half the number of birds or half the weight of trout as hereinbefore provided.

2759-d. No game or fish shall be held in possession by any person for more than five days after the close of the season for killing the same, except as in this act otherwise provided.

2759-e. No game shall be pursued, taken, wounded or killed in the night, nor with a steel or hard-pointed bullet; nor with any weapon other than an ordinary shoulder gun or pistol, nor shall any fish be taken or killed except in the ordinary manner with a line and rod held in the hand, and the hook or hooks baited with natural or artificial bait; and fishing with snag hooks or trot lines, or lines having more than five hooks thereon, shall not be deemed the ordinary manner of fishing; nor shall any person fish within two hundred feet of any fishway, nor dispose of to another, except by actual donation, any game or fish taken or killed under the provisions of this division:

Provided, that dogs, blinds, sinks and decoys may be used for hunting birds, and that the provisions of this division in relation to game quadrupeds and fish shall not apply to those parks and lakes licensed for the keeping and propagation of the same; nor to fishing for suckers, catfish, carp or squaw fish with snag hooks, hand or trot lines, nets and seines in any streams at places where there are no trout, but every person using a net or seine must first obtain from the commissioner a permit, designating the place where the same is to be used. Any fish other than suckers, catfish, carp or squaw fish so taken must be immediately returned to the stream alive. [L. '09, p. —, §3.]

2760. Such permit shall expire with the calendar year, and be substantially in the following form:

Form 1.

STATE OF COLORADO.

DEPARTMENT OF GAME AND FISH.

Permit for Suckers, Catfish or Squaw Fish.

No. Denver, ..., 190...
Mr. is hereby authorized to take

suckers, catfish, carp or squaw fish from the
at from, 190..., in conformity with
law. This authorizes possession and sale, transportation
and storage. Void after date last above.

....., Commissioner.
[L. '03, p. 242, §2.]

DIVISION C.

Public and Private Parks, Lakes and Preserves—Sale of Game and Fish Therefrom.

2761. No person shall have in possession or keep or retain in captivity in any park, enclosure, lake or body of water, public or private, any living game or fish unless the person having such possession, or the proprietor of such park, enclosure, lake or body of water shall procure a license therefor as hereinafter provided; and in any prosecution for a violation of this section the possession of any living game or fish, or the having or keeping of any such game or fish in any park, enclosure, lake or body of water shall be prima facie evidence that the same was unlawfully captured and is unlawfully held in possession. [L. '99, p. 194, §1.]

2762. Any park, enclosure, lake or body of water maintained in violation of this act shall be deemed a continuing public nuisance and may be abated as provided by law for the abatement of public nuisances and the game therein liberated, or any obstruction to the free ingress or egress of fish removed, and each day the same is maintained in violation hereof shall be a separate offense. [L. '99, p. 194, §2.]

2763. No person shall transport or sell, keep or expose or offer for transportation or sale any game or fish, taken from any park enclosure, lake or body of water, public or private, unless the same be licensed as provided in this act, and then only as provided in this division, and this section shall apply to game and fish held by private ownership as well as to game and fish the ownership of which may be acquired under this act [L. '99, p. 194, §3.]

2764. The provisions of this division in relation to private parks and lakes, the licensing thereof for the keeping and propagation of game and fish therein, and permitting the sale thereof, shall apply to every park or lake in whole or in part on land held by private ownership, and to every lake the water of which, or the right to the use of such water, in whole or in part, has been or may hereafter be acquired under the laws of this state or of the United States, for irrigation purposes, and the owner of such land or water right shall be deemed the proprietor of such park, or lake, and of the game or fish therein, and such lakes shall be designated as class A. [L. '99, p. 195, §4.]

2765. Any person having already established or desiring to establish and maintain a park or lake, public or private, for the purpose of keeping or propagating and selling the game or fish therein or to be placed therein, shall apply in writing to the commissioner, stating the name, location, extent and proprietorship of the same, the kind

and as near as may be, the number of game or fish kept or desired to be kept therein, the term of which the license is desired, and enclosing the fee therefor, and if upon examination by the commissioner it shall appear that the application is in good faith, and in other respects proper and reasonable, he shall grant to such applicant a license therefor. [L. '99, p. 195, §5.]

2766. Such license shall be substantially in the following form:

Form 2.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.
Licensed Parks and Lakes.

No. Class A. Denver, ... 190..

This certifies that, proprietor of a (public or private) (park or lake) called, and situated on, Sec....., Twp....., Range....., in county, Colorado, is hereby authorized to keep and propagate therein and dispose of as provided by law, the following (game quadrupeds, birds or fish), viz.:..... together with such additions thereto (with the natural increase of all) as may be hereafter lawfully acquired. This authorizes possession, use and sale, but not transportation, and expires years after date.

....., Commissioner.

[L. '99, p. 195, §6.]

2767. When any such proprietor shall desire to procure or add to his collection game or fish belonging to the state, he shall apply to the commissioner, who, if it appear that the same is in good faith and proper and reasonable, shall issue a permit to procure the kind and number therein stated, which permit shall be sufficient to authorize the proprietor therein named or his agent appointed in writing, to capture or procure alive at any time of year such game and fish and to keep and dispose of them and their natural increase subject to the provisions of this act, but no permit shall be valid except in the year of its date; provided, that the use of such game or fish for any other purpose, or the injury or destruction of the same in the effort to capture or otherwise, shall be deemed a violation of this act, unless it is made to appear that the same occurred without the fault or negligence of any person engaged therein; provided, also, that no fee for license or permit shall be charged for any park or lake owned or controlled by a municipality and to which the public is admitted free. Such parks and lakes shall be deemed public. All other parks and lakes licensed under this act shall be deemed private. [L. '99, p. 196, §7.]

2768. The commissioner may also grant a permit to any such proprietor for the exchange of any game or

fish in such park or lake for other game or fish suitable for preservation or propagation in this state, with other persons within or without the state. [L. '99, p. 196, §8.]

2769. All permits for capture or exchange shall expire with the year in which issued and shall be substantially in the following form:

Form 3.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Permit to Capture or Exchange.

No. Class A. Denver, ..., 190..

This certifies that of, is authorized in person or by his agent, authorized in writing, to capture alive at any time of year (or exchange for -----) the following game and fish, to wit: for the purpose of propagation in licensed (park or lake) No. This authorizes possession and transportation to the licensed park or lake, but expires with the year of its date.

....., Commissioner.

[L. '99, p. 197, §9.]

2770. Where a private park or lake of class A licensed under the preceding sections contains game quadrupeds or fish belonging to the state, at the date of the license, the commissioner shall have the right to demand and receive from the proprietor, free of charge, at such park, not more than 10 per cent of the natural increase of the game and quadrupeds therein, for each year thereafter; and not more than 10 per cent of the fertilized fish eggs stripped from the fish in such lake each year thereafter, and it shall be the duty of the proprietor to give reasonable notice to the commissioner of the time when such eggs will be ready for delivery. The commissioner shall secure, at his own expense and whenever he may elect, the game quadrupeds to which he is so entitled, but if he fails to do so before November 1, or fails to provide for the reception of the eggs to which he is entitled, his right thereto for that year shall cease. [L. '99, p. 197, §10.]

2771. If the proprietor of any lake mentioned in the last preceding section shall fail in any year to strip the fish therein, the commissioner shall have the right to do so, the same to be without expense to the proprietor. [L. '99, p. 197, §11.]

2772. All game quadrupeds and fish eggs so obtained by the commissioner from private parks and lakes shall belong to the state, and shall be used or sold by the commissioner for the purpose of stocking other parks, streams or lakes. [L. '99, p. 198, §12.]

2773. No person owning or controlling any reservoir, lake or body of water into which public waters flow and

which furnishes the water supply in whole or in part to any stream containing fish shall divert or lessen such water inflow or supply to an extent detrimental to the fish in such stream, reservoir, lake or body of water. [L. '99, p. 198, §13.]

2774. Except as in this division otherwise provided, all game and fish, with the natural increase thereof, held or confined in any private park or lake of Class A, licensed under the preceding sections, shall during the existence of the license or any renewal thereof, be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell or dispose of the game and fish therein in any quantity, at any time of year, and in any manner except as prohibited in sections 4, 5 and 6 of division B of this act, by conforming to the conditions and subject to the restriction in this division prescribed in relation thereto, but not otherwise, and the pursuit, capture, wounding or killing of any game or fish in any licensed park or lake, public or private, without the consent of the proprietor, shall be unlawful; provided, that the aggregate number of game or fish now in or hereafter collected and placed in any private park, or lake of class A, which contained any game or fish belonging to the state at the date of the taking effect of this act shall not be lessened by the killing, use, sale or disposition thereof, except as provided in the next section, it being the purpose of this proviso to restrict such killing, use, sale and disposition to a number not exceeding in the aggregate the natural increase, and that the right to capture, kill or dispose of birds in any park shall, except as to pheasants and quails, placed therein by the proprietor, and their natural increase, when taken or killed within such park, be subject to the provisions of division B hereof. [L. 99, p. 198, §14.]

2775. If by reason of controlling necessity or for the purpose of stocking or replenishing some other park or lake, any proprietor of a park or lake of class A may desire to lessen the aggregate number above provided for, the commissioner may, on being satisfied of the propriety thereof, grant a permit therefor.

Such permit shall be substantially in the following form:

Form 4.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Permit to Lessen Number.

No. Class A. Denver, ..., 190..

Being satisfied of the propriety thereof, Mr., proprietor of maintained under license No. is hereby permitted to lessen the aggregate num-

ber of therein to the extent of

This authorizes sale, but not transportation, and expires with the year of its date.

....., Commissioner.

[L. '99, p. 199, §15.]

2776. When the proprietor of any licensed park or lake of class A shall sell or dispose of any game or fish as herein provided, he shall at the same time deliver to the purchaser or donee or attach thereto an invoice signed by such proprietor or his agent, stating the number of the license and name of such park, or lake, the date of disposition, the kind, and as near as practicable the number and weight of such game or fish, the name and address of the purchaser, consignee or donee. Such invoice shall authorize transportation within this state, possession and use for thirty days after this date, and shall be substantially in the following form:

Form 5.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Private Parks and Lakes—Invoice

Name of Park or Lake.....Class A.

No. of License.... Date, 190..

Kind and number of game and fish.....

Weight of same....lbs. Name of consignee.....

Address of consignee.....

This authorizes transportation within this state, possession and sale for thirty days after date if attached to article.

....., Proprietor.

By, Agent.

[L. '99, p. 199, §16.]

2777. Such proprietor or his agent shall at the same time mail, postpaid, a duplicate of such invoice to the commissioner at Denver; provided, that no invoice shall be required in case of fish lawfully taken or killed in such lake during the open season therefor, and within the quantity provided by division B hereof, while in the possession of the person capturing or killing the same, during the open season and for five days thereafter. [L. '99, p. 200, §17.]

2778. When any such game or fish, for which an invoice is required, is to be shipped by rail, express, or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same, in plain sight, and the same may then be lawfully carried and delivered within this state to the consignee named in such invoice. [L. '99, p. 200, §18.]

2779. If such game or fish is held, exposed or offered for sale or sold by the consignee or kept in any storage,

hotel, restaurant, cafe or boarding house, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption. [L. '99, p. 200, §19.]

2780. In case of a sale or disposition of a part of such game or fish the vendor shall at the same time make a copy of such invoice and indorse thereon the date of sale, the number and kind of game or fish so disposed of and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the game or fish is prepared for consumption, and the same shall have the same force and effect as the original invoice. [L. '99, p. 200, §20.]

2781. Any wilful misstatement in or any omission of a substantial requirement from any invoice or copy thereof, shall render the same void and be deemed a violation of this act, and the possession of such game or fish shall be unlawful, and the possession of any game or fish without such invoice or a copy thereof attached thereto when so as above required shall be unlawful. [L. '99, p. 201, §21.]

2782. The proprietor of every private park and lake licensed under the preceding sections shall, whenever required by the commissioner, make and send to the commissioner at Denver a report showing as near as practicable the kind, number, age and sex of the game, and the kind and number of the fish, added and disposed of during the year preceding and on hand at the date of the report. [L. '99, p. 201, §22.]

2783. No grantee or lessee of a bird-shooting privilege at or upon any lake or body of water, nor any grantee or lessee of a fishing privilege in or upon any stream or any part thereof, shall pursue, take, wound or kill any bird at, upon or in such lake, or body of water, or fish in or upon such stream or permit the same, until he shall have procured a license therefor from the commissioner, and lakes and streams licensed under this section shall be designated as licensed preserves, but no such license shall be granted for any lake or body of water not wholly on land held by private ownership or under the laws relating to reservoirs or irrigation, nor for any part of a stream not wholly on land held by private ownership, nor shall any such license or any other person pursue, take, wound or kill any bird at, upon or in any lake, body of water, nor fish in or upon any stream licensed under this section, or have in possession or dispose of game or fish from any preserve otherwise than as provided in division B of this act, nor shall any person shoot or fish on a licensed preserve without the consent of the licensee. [L. '99, p. 201, §23.]

2784. Licenses under the last preceding section may be obtained as near as may be in the manner provided for

obtaining licenses for parks and lakes and shall be substantially in the following form:

Form 6.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Licensed Preserves.

No. Denver, ..., 190...

This certifies that.....(grantee or lessee) of
....., situated on section
township, range, in county,
Colorado, is licensed to (shoot or fish) thereon or therein
and permit others to do so during the open season therefor
and in conformity with the law.

This does not authorize transportation or sale and expires.....years after this date.

....., Commissioner.

[L. '99, p. 202, §24.]

2785. The rights acquired by the proprietor of a private lake licensed hereunder, and the prohibitions hereof, shall extend to and include all channels connecting a series or group of lakes under one license, and the commissioner may authorize the use of such screens or other appliances as may be necessary to prevent the fish in a licensed lake or class A from escaping, and it shall be the duty of the proprietor to adopt and use such screens or other appliances as the commissioner may direct to prevent the fish in public waters from entering such lake. [L. '99, p. 202, §25.]

2786. When the owner of a private park or lake has granted or leased to another the right to keep and propagate game or fish therein, the grantee or lessee shall be deemed the proprietor and entitled to the license. [L. '99, p. 202, §26.]

2787. A series or group of lakes under one proprietorship or lease and situated in reasonable proximity to each other, may be included in one license, either as a private lake or licensed preserve. [L. '99, p. 202, §27.]

2788. In case of diverse proprietorship the license may be joint if the proprietors so elect, otherwise a separate license shall be required for each interest and the rights thereunder shall be co-extensive with or in proportion to such interest. [L. '99, p. 203, §28.]

2789. There shall be kept posted conspicuously and not more than forty rods apart on the borders of each park and each licensed stream, preserve, plain notices not less than one foot square, stating that the same is private property, and warning persons against trespassing thereon, and a similar notice shall be posted at or near each cardinal point of the compass on the border of each private lake, and lake preserve. [L. '99, p. 203, §29.]

2790. In case of a transfer of proprietorship or interest in any park, lake or preserve, the transferee shall within thirty days thereafter procure from the commissioner a transfer of the license endorsed on the back thereof. [L. '99, p. 203, §30.]

2791. In case of parks, lakes and shooting and fishing privileges existing at the taking effect hereof, licenses therefor shall be applied for and the fee paid within three months after such taking effect. [L. '99, p. 203, §31.]

2792. Licenses for private parks, lakes and preserves may be for two years or ten years, as the applicant may desire, and any license shall be renewed from time to time at request of licensee for a like period as the original, or a two-year license may be surrendered at any time, and one for ten years obtained on payment of the full amount of the fee for the latter. Each renewal shall bear the same number as the original, and be of similar form, with the word "renewal" written on its face. A renewal must be applied for and the fee paid at or before the expiration of the original license or of the previous renewal, otherwise the same fee shall be paid as for an original license. Licenses for public parks and lakes shall be for ten years and renewed from time to time. [L. '99, p. 203, §32.]

IV.

DIVISION D.

Importation—Transportation—Storage—Seizure—Sale.

2793. No game or fish shall be brought into this state from any other state or territory except as provided in this division. [L. '99, p. 204, §1.]

2794. Game and fish intended to be used for propagation in or stocking parks or waters within this state may be brought into this state from any other state or territory, and the commissioner shall issue certificates therefor without charge. [L. '99, p. 204, §2.]

2795. Game or fish intended for any purpose other than those mentioned in the last preceding section may be brought into this state only from those states and territories the laws of which at the time of such importation do not prohibit the importation and sale therein of game and fish from this state, and game and fish so imported into this state may be held and disposed of only as provided in this division. [L. '99, p. 204, §3.]

2796. No person shall import or bring into this state from any other state or territory, and sell, any game or fish of the kind mentioned in this act until he shall have procured from the commissioner a license as a game and fish importer, but no such license shall authorize the importation or sale of game, the killing of which is not permitted by the laws of this state.

Such license shall be kept constantly and publicly exposed in the office or place of business of the licensee, and shall expire with the calendar year in which issued. [L. '03, p. 234, §4.]

2797. Upon the receipt of imported game or fish the importer shall immediately attach thereto an invoice stating the number and kind of game and fish, the name of the person and place received from, the date of reception and the number of the importer's license and sign the same. [L. '03, p. 234, §4.]

2798. In case of a disposition of such game or fish, or any part thereof, the importer shall deliver such invoice, or a true copy thereof, to the purchaser or donee. [L. '03, p. 234, §4.]

2799. In case the purchaser or donee shall desire to re-dispose of the same, or any part thereof, he shall indorse on such invoice, or on a copy thereof, the name of the purchaser or donee, his own name and the date of re-disposition, and deliver the same to the purchaser or donee. [L. '03, p. 234, §4.]

2800. Such invoice or copies thereof so made, when kept attached to such game or fish, shall authorize the possession, sale, storage, transportation and use of the same

within this state at any time during the year of the date thereof. [L. '03, p. 234, §4.]

2801. All game and fish seized under this act shall, without unnecessary delay, be sold by the officer seizing the same, or by the commissioner, except when a sale is impracticable or is likely to incur expenses exceeding the proceeds, in which case the same shall be donated to any needy person not concerned in the unlawful killing or possession thereof. Possession by virtue of such sale or donation shall not be unlawful. The proceeds thereof, after deducting the costs of seizure and sale, shall, if made by the commissioner or any warden, be paid into the state treasury, but if made by a sheriff or constable shall be paid, one-half to the commissioner and one-half into the treasury of the county where the seizure was made. [L. '99, p. 206, §9.]

2802. In case of such seizure and disposition the officer making the same shall sign and give to each purchaser or donee an invoice stating the time and place of disposition, the kind, quantity and weight, as near as may be, of the game or fish disposed of and the name of the purchaser or donee. Such invoice shall authorize possession, transportation within this state, storage and sale for thirty days after date and shall be substantially in the following form:

Form 10. STATE OF COLORADO.

DEPARTMENT OF GAME AND FISH.

Officers' Invoice.

....., 190..
Disposed of by me this day to
the following game and fish, to wit: Kind;
number, ...; weight, ...; the same having been
seized and disposed of by me under the provisions of the
game law. This authorizes possession, storage, transportation within this state, and sale. Void after thirty days from date.

.....
(Title of Officer.)

[L. '99, p. 207, §10.]

2803. When any person lawfully in possession of game or fish shall desire to transport the same within this state, the transportation of which is not herein otherwise provided for, or out of the state, the commissioner may, upon being satisfied that the possession and transportation is not in violation of the spirit of this act, grant a permit therefor, and thereafter during the period of ten days after its date, such transportation shall be lawful between the points therein named. Such permit shall be substantially in the following form:

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Transportation Permit.

No. Denver, ..., 190..

This certifies that Mr. is entitled to transport from, Colorado, to the following game and fish to wit:..... This authorizes possession and transportation between the points named herein only, but not sale or storage. Void after ten days from date.

....., Commissioner.

[L. '99, p. 207, §11.]

2804. No railroad company, express company, stage company or other public carrier, messenger, baggage man, or person in charge of any public conveyance, nor any agent thereof, shall receive or store for transportation, or transport into, or within, this state any game or fish except as follows, namely:

(1) When there is attached thereto a proper and valid certificate or permit signed by the commissioner or having a fac simile of his signature thereon and on its face authorizing transportation of the article named therein, and during the period therein stated.

(2) At any time of year when the same is shipped from a private park or lake and has attached thereto a proper and valid invoice as required in division C of this act.

(3) At any time of year when the same is in charge of the commissioner, or some person acting for him and under his written authority, or an officer having seized the same under the provisions of this act, or a game or fish commissioner or warden of the United States or some other state, territory or foreign country.

(4) At any time of year when the same has been seized and sold by an officer and has attached thereto an invoice as provided in this division, and for thirty days after date of such invoice.

(5) When there is attached thereto a proper and valid importer's invoice, authorizing transportation of the article therein named and during the period therein stated.

(6) At any time of year when the same are small fry or fish for stocking purposes.

(7) At any time of year when the same is being transported from some other state or territory into this state in conformity with section 2 or 3 of this division.

(8) During the open season therefor and for five days thereafter when presented for shipment in lawful number or quantity. Each shipment if a deer must have attached thereto a hunting license coupon. See section 9, division

G. If birds or fish must have attached a domestic certificate. See section 2, division K. [L. 99, p. 208, §12.]

2805. Game or fish may be transported out of this state only when accompanied by a permit from the commissioner authorizing the same, as provided in section 11 of this division, or when being transported from some other state or territory where taken or killed, through this state to some other state or territory. [L. '99, p. 209, §13.]

2806. Whenever any game or fish is presented for transportation or transported in a box, barrel, package or other covering so the game or fish is not plainly visible the consignor shall put on the outside of such covering a plain mark or label indicating the true contents, and the proper invoice, certificate, or permit, when one is required, shall be attached to the outside of the covering. [L. '99, p. 209, §14.]

2807. Nothing herein shall make such carrier liable for transportation of game or fish when the same is transported without charge or way bill and in the possession of a passenger; but such fact shall not exempt the same from seizure, if unlawfully taken, killed, held in possession, or transported. [L. '99, p. 209, §15.]

2808. Any person having the lawful possession of game or fish killed within this state, may, upon proof of such fact, have issued to him by the commissioner, a storage permit, which shall authorize storage, possession and use of the same not longer than ninety days next ensuing the open season therefor.

Such permit shall be substantially in the following form:

Form 12.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Storage Permit.

No. Denver, ..., 190..

Mr., residing at
being in the lawful possession of killed
within this state, is entitled to have the same kept in storage until next. This authorizes storage, possession and personal use until the date last mentioned above, but not transportation or sale.

....., Commissioner.

[L. '99, p. 209, §16.]

2809. No game or fish shall be received for or held in storage except as follows, namely:

(1) During the open season therefor and for five days thereafter when the same is stored for the person lawfully in possession of the same. If a deer, a hunting license coupon must be attached. See section 9, division G. If

birds or fish a domestic certificate must be attached. See section 2, division K.

(2) At any time of the year when there is attached thereto a proper and valid invoice as provided in division C hereof, relating to parks and lakes.

(3) At any time of year when there is attached thereto a proper and valid importer's invoice as provided in this division, and during the life thereof.

(4) At any time of year when there is attached thereto a proper and valid officer's invoice as provided in this division relating to the seizure and sale of game and fish, but storage under this sub-division shall not continue for more than thirty days after the date of such invoice.

(5) When there is attached thereto a proper and valid certificate or permit signed by the commissioner and on its face authorizing storage of the article named therein, and during the period therein stated. [L. '99, p. 210, §16.]

2810. No certificate, invoice or permit shall be of any validity unless the same is kept constantly and publicly exposed with, or attached in plain sight to, the article to which it relates, or to the covering of the same when covered, except as in this act otherwise expressly provided. [L. '99, p. 211, §17.]

V.
DIVISION E.

Hotels and Restaurants.

2811. No game or fish shall be held in possession in or placed upon the table of any hotel, restaurant, cafe or boarding house, or named on its menu or bill of fare as food for its patrons, either under the name used in this act or under any other name or guise whatever except as follows, namely:

(1) At any time of year when the same has been sold and is held in possession in accordance with the provisions of division D of this act, relating to the seizure and sale by an officer of game or fish killed or held in violation of this act.

(2) At any time of year when the same has been furnished from a private park or lake of class A licensed under this act and sold, shipped and held in possession in accordance with the provisions of division C of this act relating to private parks and lakes, but this subdivision shall not apply to licensed preserves.

(3) At any time of year when the same has been lawfully imported into this state and sold and held in possession in accordance with the provisions of division D of this act, relating to the sale of imported game and fish.

(4) During the open season and for five days thereafter, or during the life of a storage permit thereto attached, at the request of the person lawfully in possession of the same, and for the personal use of such person or his invited guests. [L. 99, p. 211, §1.]

2812. The naming of game or fish upon any such menu as food for patrons shall be prima facie evidence of the possession of the same by the proprietor of such hotel, restaurant, cafe or boarding house. [L. 99, p. 211, §2.]

2813. All permits, invoices and copies of invoices received under this division shall be preserved by the proprietor for at least thirty days after the consumption of the game or fish therein described (unless sooner called for by the commissioner) and shall be delivered to the commissioner on demand therefor within such time. [L. 99, p. 212, §3.]

VI.
DIVISION F.

**Unlawful Devices—Destruction of the Same—Diversion
and Pollution of Water.**

2814. Except as in this act otherwise permitted, no person shall use in the pursuit, taking, wounding or killing of game and fish any dog, net, seine, trap, snag hook, trot line, artificial lights or device whatever. [L. 99, p. 212, §1.]

2815. Every net, seine, trap, explosive, poisonous or stupefying substance or device used or intended for use in taking or killing game or fish in violation of this act, and set, kept or found in or upon any of the waters in this state or upon the shores thereof, and every trap, device or deadfall found baited in violation of this act, is hereby declared to be a public nuisance and may be abated and summarily destroyed by any person, and it shall be the duty of every officer authorized to enforce this act to seize and summarily destroy the same, and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this division shall be construed as affecting the right of the commissioner to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of firearms. [L. 99, p. 212, §2.]

2816. Except as otherwise provided in this act, every dam or other artificial obstruction in the public waters containing food fish which interferes with the free passage of fish, and not provided with a sufficient fishway for the free passage of fish up and down the same, shall have such fishway constructed therein within six months after the taking effect of this act and no such dam or artificial obstruction shall hereafter be constructed, placed or maintained in such waters without such fishway, except as hereinafter provided, but this section shall not apply to a point in a stream at which the whole volume of water is taken out and lawfully applied without unnecessary waste to a beneficial use. [L. '99, p. 212, §3.]

2817. No dam or other obstruction to the free passage of fish shall hereafter be commenced, constructed or placed in any public stream containing fish, until the person proposing to do so shall first give written notice to the commissioner of such intention, together with a statement of the name and location of such stream, the proposed location, size and purpose of such dam or obstruction, and thereafter comply with the reasonable directions of the commissioner in relation to the construction and maintenance of a fishway therein. The expense of construction and maintenance of such fishway shall be borne by

the person erecting such dam or obstruction. [L. '99, p. 213, §4.]

2818. Every fishway shall be constructed, maintained and repaired at the expense of the owner and operator of such dam or obstruction, and in the event of failure or neglect to comply with any reasonable directions given by the commissioner he may cause such construction, maintenance and repair to be made and the expense thereof recovered from such owner or operator in a civil action with a penalty of ten dollars for each and every day of such failure or neglect, and from the time such construction or repair is commenced the expense thereof and the penalty aforesaid shall be a lien upon such dam or obstruction and the premises connected therewith, until the completion thereof and payment of the expense and penalty incurred. [L. '99, p. 213, §5.]

2819. In case of a dispute between the commissioner and any owner or operator as to the necessity, character, maintenance or repair of any fishway, the same may be judicially determined as herein provided in relation to alleged obstruction and pollution. [L. '99, p. 213, §6.]

2820. No sawdust, tailings or other deleterious or poisonous substance shall be allowed to run or pass into or pollute any public waters containing fish, or deposited or left where it may be carried by natural causes into such waters, in such quantities as to destroy or be detrimental to the fish or spawn therein, except as hereinafter provided. [L. '99, p. 213, §7.]

2821. Every dam or other artificial obstruction, every placer mine, mill, reduction plant or other industrial enterprise, constructed, maintained or operated in violation of this act, is hereby declared unlawful and a continuing public nuisance and the same may be enjoined or abated or its objectionable features modified as hereinafter provided, and the person constructing, maintaining or operating the same punished as for a violation of this act, and every day the same is so maintained or operated shall be deemed a separate offense. [L. '99, p. 214, §8.]

2822. Whenever any such obstruction or pollution is alleged to exist, the commissioner, any citizen of the state or the owner or operator of such obstruction or industry, may file a petition in the district court of the county in which the obstruction or pollution is alleged to exist or originate, or into which any of the polluted water flows, for the purpose of having an equitable determination of the fact, nature and extent of such alleged obstruction or pollution and the remedy to be applied, if any, and a temporary injunction may issue upon notice of the fact of obstruction or pollution be evident and the necessity urgent, issues shall be made up as in other civil actions. [L. '99, p. 214, §9.]

2823. The action may be brought by the commissioner or a citizen of the state in the name of the people of the state on the relation of such person, but no such action shall be brought by a citizen without the consent of the commissioner, the attorney general or the district attorney of the district.

In case an injunction is issued or an appeal taken on behalf of the people, no bond shall be required. The relator shall not be responsible for costs, but the same shall be paid by the state if it be defeated, or the commissioner may pay the same from any funds provided for the enforcement of the game and fish laws. [L. '99, p. 214, §10.]

2824. If the action is brought by the owner or operator, the people of the state shall be made defendants, and service of the summons shall be made upon the commissioner, and a cross-petition may be filed with the same effect as an original petition. [L. '99, p. 215, §11.]

2825. It shall be the duty of the district attorney of the district where any such action is brought, or to which it may go at any time, to appear on behalf of the people of the state, and conduct the same under the direction of the commissioner. If the district attorney shall fail or neglect to prosecute or defend such action to the satisfaction of the commissioner, it shall be the duty of the attorney general to appear and prosecute or defend for the people, or the commissioner may employ special counsel. [L. '99, p. 215, §12.]

2826. On final hearing the court shall, without the intervention of a jury, determine if such obstruction or pollution exists, and if so, the cause, nature and extent thereof, the injurious effect, if any, upon the fish and their propagation, the means adopted, if any, by such owner or operator to obviate or prevent the same, the practicability or otherwise of more efficient means to prevent injury therefrom, and any other facts necessary to form an intelligent judgment of the public necessity, and importance of the industry concerned as compared with the like necessity and importance of such waters as a source of fish supply, if unaffected thereby, and having due regard to the public welfare and such constitutional and legal rights as may exist, may order the adoption by the owner or operator of such means as may be reasonable and practicable, to prevent or lessen the injurious effect of the same, or may abate the obstruction or perpetually enjoin the operations which cause the injury, or render such other judgment as the right of the cause may require. In determining the questions aforesaid the court shall not be precluded from considering the other beneficial uses to which such waters are or may be applied. [L. '99, p. 215, §13.]

2827. The final judgment and decree of the court until

reversed or modified, and of the supreme court on final hearing, shall be a final determination of the rights of the parties thereto, under the facts existing and found by the court, and when complied with by the owner or operator, or if the judgment shall be in his favor, shall be a bar to any criminal prosecution for the same or similar acts unless the cause, extent or nature of the injury be thereafter changed so as to affect the fish supply more injuriously. [L. '99, p. 216, §14.]

2828. In the event of a change in the cause, extent or nature of such injury, either increasing or diminishing the effect thereof, either party may at any time thereafter file a supplemental petition in the district court where the cause was tried, and have such increased or diminished effect determined and the judgment modified accordingly, but the facts originally found shall not be retried upon such supplemental petition, nor shall the original judgment, whether finally rendered in such court or the supreme court, be modified or changed except as required by such changed conditions. [L. '99, p. 216, §15.]

2829. Nothing herein shall prevent the granting of a new trial as provided by law. [L. '99, p. 216, §16.]

2830. Appeal or writ of error in such action shall lie to or from the supreme court only, and all the evidence offered or introduced shall be reduced to writing and preserved, and in the event of an appeal the supreme court shall try and determine the case de novo on such evidence; provided, that if the evidence or the findings of the court below on any essential fact be not satisfactory, the supreme court may remand the same for retrial. [L. '99, p. 216, §17.]

2831. In case an order is made, before final judgment granting, modifying or refusing an injunction, an appeal from or writ of error to such order may be taken without waiting for final judgment. [L. '99, p. 216, §18.]

2832. Nothing in this division shall prevent the enforcement of this act by criminal prosecution in the absence of the equitable proceeding herein provided for, or during the pendency of the same, unless the court in which such equitable proceeding is pending shall for good cause shown, restrain such criminal prosecution, which it may do, nor shall anything in this division affect any existing right for the prevention or redress of private injuries or wrongs. [L. '99, p. 216, §19.]

VII.
DIVISION G.

Hunting and Fishing Licenses.

2833. No person shall shoot or engage in hunting any game, whether protected by law or not, or in fishing for any fish protected by law without first having procured a license therefor as hereinafter provided, and having at the same time such license in his possession; nor shall any person lend, sell, give or assign his license or any coupon belonging thereto except when game is disposed of as permitted by law, in which case the proper certificate must accompany it. [L. '09, p. —, §5.]

2834. Nothing in this division contained shall authorize the pursuit, taking, wounding or killing of game or fish in the close season, or contrary to the laws now in force or hereinafter enacted, nor in any manner interfere with the enforcement or operation of such laws, except as herein otherwise provided, or be deemed applicable to fishing by persons under 12 years of age. [L. '09, p. —, §5.]

2835. All licenses must be upon blanks furnished by the commissioner, but may be issued by the commissioner or by any county clerk, and except those for bird hunting only, shall be good in any and all counties in the state.

Licenses shall be as follows:

- (1) A non-resident hunting license.
- (2) A non-resident bird hunting license, good only in the county therein named.
- (3) A resident hunting license.
- (4) A fishing license for non-resident.
- (5) A combined hunting and fishing license, issued on one blank. [L. '09, p. —, §5.]

2836. The fee for fishing license for a non-resident it shall be \$2.00. [L. '09, p. —, §5.]

2837. No person not a citizen of the United States and a bona fide resident of this state shall engage in hunting or fishing therein without a non-resident hunting or fishing license, and the commissioner or county clerk shall require satisfactory proof of residence from any person claiming to be exempt from the operation of this section. [L. '09, p. —, §5.]

2838. When a license is issued by a county clerk, the fee shall be the same as if issued by the commissioner, and 25 cents thereof shall be for the personal compensation of such clerk for filing the application, issuing the license, keeping a record thereof, making a report, and all other services connected therewith, and shall be in addition to any other salary or compensation. The remaining seventy-five cents to be remitted to the fish and game commissioner. [L. '09, p. —, §5.]

2839. No license shall be transferable, or be any pro-

tection except to the person to whom it was issued and therein named, and while in his actual possession, and any transfer or alteration of a license or coupon shall render the same void, and all licenses shall expire with the calendar year in which issued. Each license shall be numbered and shall state the name, age, sex and place of residence of the person to whom issued, and the officer issuing the same shall keep a record thereof. [L. '09, p. —, §5.]

2840. It shall be the duty of the commissioner to prepare and furnish on or before May 1 each year to the county clerks blank licenses in such number as may be required, and no license of any kind shall be issued except on a blank furnished by the commissioner, which shall have attached to it the necessary coupons, each coupon having thereon a fac-simile of his signature, and when any person shall take or kill any game quadruped, such person shall as soon as practicable detach from his license and attach thereto, in plain sight, the proper coupon, date and sign his name to the same, and the coupon shall be kept so attached so long as any considerable portion of the carcass remains unconsumed, and in case it is desired to preserve either the hide, head, feet or horns, the coupon shall be kept attached to such part as long as it is preserved. [L. '03, p. 236, §8.]

2841. The proper coupon, when so dated, signed and attached to game lawfully taken or killed and lawfully in possession shall authorize possession, use, storage and transportation of the carcass, or any part thereof within the state during the open season therefor of the year of its date and for five days thereafter. The coupon so attached to the hide, head, feet or horns shall authorize any licensed taxidermist to dress or mount the same, and shall render it lawful for any person to hold, possess and transport the same within this state so long as such coupon is so attached. [L. '03, p. 236, §9.]

2842. The possession of protected game or fish at any time in the field shall be prima facie evidence that the party having such possession is engaged, or has been engaged, within the year in taking same. [L. '03, p. 237, §10.]

2843. The commissioner and every warden throughout the state, and every sheriff and constable within his respective county, is authorized, and it shall be his duty, to arrest any person guilty of a violation of this division and to demand of any person whom he has reason to believe is or has been engaged in hunting or fishing in this state, within the year, the immediate production of a proper license therefor and an opportunity to inspect and copy the same, and it shall be the duty of every person required by this act to procure and have in possession such license, to so produce the same, and permit such inspection, and copying. [L. '03, p. 237, §11.]

2844. It shall be the duty of every county clerk collecting any license fee under this act to report to the commissioner on or before November 10 in each year, or whenever the commissioner may require, a full statement of all such licenses issued by him, and to return to the commissioner all unused licenses, together with a remittance of the fees therefor. [L. '09, p. —, §5.]

2845. No person shall procure or use more than one coupon of the same number, nor procure or use more than one license in any one year, nor use any coupon after it has been used once and a violation of this section shall render all such licenses and coupons void. [L. '03, p. 237, §13.]

2846. Every person hunting or fishing in any licensed park or preserve must have a license as provided in this division, but where game is lawfully killed in a licensed park and an invoice is attached thereto, as provided in division C of said act, no coupon from such license need be attached. [L. '03, p. 237, §14.]

2846-a. Birds lawfully taken at large, and fish lawfully taken from public waters within the state during the open season must have attached thereto a certificate in the following form:

Form 13.

STATE OF COLORADO.

I hereby certify that the (here insert kind and number of birds or fish) to which this certificate is attached were lawfully taken by me in county, Colorado, on the day of, 19...

(Signed)

[L. '09, p. —, §5.]

VIII.

DIVISION H.

Guide Licenses.

2847. No person shall directly or indirectly engage or act as guide, as the term is commonly understood, for any person or party engaged in hunting protected game, without having satisfied the commissioner of his reliability and competency and procured from the commissioner a license therefor and having the same in his possession while so acting. [L. '03, p. 238, §1.]

2848. Every guide licensed under this act shall, by virtue of such license, be entitled to act as a deputy warden, without pay, and when commissioned as such, shall have all the powers of a deputy warden, as provided in said act, and if he shall violate, or connive or assist in any violation of this act, his license and commission may be revoked by the commissioner, and he shall be disqualified to act as a guide during that year, and also be liable to punishment as for a violation of this said act. [L. '03, p. 238, §2.]

2849. Every guide shall, as often as requested and on blanks furnished by the commissioner, report under oath to the commissioner the names and number of persons guided by him, the number of days he has been so employed, and, as near as practicable, the number of game and fish taken or killed by such persons and himself, and such other information as the commissioner may deem desirable. The fee for a guide license shall be in addition to the fee required for a hunting license, and every guide shall procure a state hunting license and have the same in his possession while acting as a guide. All such licenses shall expire with the calendar year in which issued. [L. '03, p. 238, §3.]

IX.
DIVISION J.

Taxidermists—Scientific Societies—Mounted Specimens.

2850. No person shall engage in taxidermy for hire until he shall have procured a license therefor.

Licenses under this section for taxidermists engaged in business at the taking effect of this act must be procured within three months after such taking effect. [L. '03, p. 239, §1.]

2851. The word "specimen" as herein used means the head, horns, feet and hide, or either one or all of them, mounted or dressed, or unmounted or undressed, of a game quadruped protected by law, and no such specimen shall be brought into this state by any person, except as provided in said act, nor shall any such specimen, either domestic or brought from any other state, territory or foreign country, be mounted, dressed, transported or held in possession in this state by any person, except as provided in this division, nor shall any such specimen be sold unless the same was lawfully imported or killed prior to the taking effect of this act, and the evidence thereof attached thereto, as herein provided. [L. '03, p. 239, §2.]

2852. It shall be the duty of the commissioner as soon as may be after the taking effect of this act to examine, or cause to be examined, all specimens of protected game quadrupeds in the possession of taxidermists, and to furnish and have a tag affixed, without charge, to each specimen which appears to be lawfully held, and it shall be the duty of every person to afford an opportunity for and permit such examinations and tagging without hindrance. [L. '03, p. 239, §3.]

2853. If any specimen has been lawfully imported by, or was lawfully owned by and in the possession of a taxidermist prior to the passage of this act, the commissioner shall, upon satisfactory proof of such fact, affix thereto, without charge, a tag showing the same, or any taxidermist or other person desiring to import any specimen shall apply to the commissioner who, if such importation appears to be proper, shall issue a certificate therefor, and such specimen may be lawfully held or sold so long as the evidence thereof remains attached thereto. [L. '03, p. 239, §4.]

2854. The commissioner may, upon the written request of the governor, issue to any representative of, or person designated by, a reputable and duly incorporated society of natural history or science, a permit to collect for scientific purposes only, at any time of the year, any of the game and fish protected by law, upon the applicant being recommended by two well-known scientific men and executing to the state a bond in the sum of \$1,000, with ac-

ceptable sureties. Such permit shall authorize the person therein named to take or kill within the state and deliver to such society such game and fish, and the same, when so lawfully procured, may be thereafter mounted or dressed and held in possession; but nothing herein shall authorize the procurement of game or fish taken or killed unlawfully, or exempt a person unlawfully taking or killing the same from the penalties therefor.

In case any game or fish procured under this section shall not be appropriated to scientific purposes, the bond aforesaid shall be forfeited to the state and the permit become void.

All persons acting under a permit as aforesaid shall be required to have a hunting license for the same purpose. [L. '03, p. 240, §5.]

2855. Any person other than a taxidermist, in lawful possession of any specimen, and desiring to perpetuate the evidence of the legality of his possession, may apply to the commissioner, and upon it being so made to appear, the commissioner shall issue to him a certificate to that effect. [L. '03, p. 240, §6.]

2856. The conditions under which specimens referred to in this division may be dressed, mounted, held in possession or transported within this state, are as follows, namely:

1. When there is attached thereto a hunting license coupon, as provided in this act.

2. When there is attached thereto a certificate, permit, as provided in this act.

3. When there is attached thereto a certificate, permit, tag or invoice, as provided in this act, or in the act to which this is amendatory. [L. '03, p. 240, §7.]

2857. In case it is desired that the head, horns, feet or hide shall be separated the commissioner may issue, without charge, a duplicate coupon or tag for one or more of the parts, describing the same.

The alteration of any certificate, permit, tag or invoice, or its use on any other specimen than the one for which it was issued shall render it void. [L. '03, p. 241, §8.]

2858. Nothing in this division shall be deemed applicable to living game. [L. '03, p. 241, §9.]

X.
DIVISION K.

Domestic Certificates—General Provisions.

2859. Every person lawfully taking any domestic game or fish shall without delay attach thereto a certificate signed by him and stating the kind, number, and when and where the same were taken, and in case the same, or any part thereof, shall be donated to another, shall indorse such fact on the certificate, or on a copy of the same, and sign it. Such certificate (or copy indorsed when required) shall be deemed prima facie evidence of lawful possession, and authority to transport and store the same within the state during the open season and for five days thereafter; and the possession, transportation or storage of such game or fish without such certificate (or copy indorsed when required) attached thereto shall be unlawful.

Provided, that this section shall not apply to game or fish having attached thereto a proper hunting license coupon, or an invoice from a private park or private lake.

Blank certificates in the form of tags for this purpose may be furnished by the commissioner at cost. [L. '03, p. 241, §1.]

2860. Such certificate shall be substantially in the following form:

Form 13.

STATE OF COLORADO.
DEPARTMENT OF GAME AND FISH.

Domestic Certificate.

I hereby certify that the to which this certificate is attached lawfully taken by me in.....county, Colorado, on the day of, 190..

(Signed)

[L. '03, p. 242, §2.]

2861. The commissioner or any warden, if he so elect, or any other officer charged with the enforcement of the laws relating to game and fish, if so directed by the commissioner, may bring a civil action in the name of the state against any person unlawfully wounding or killing, or unlawfully in possession of any game quadruped, bird or fish, and recover judgment for each such animal the following minimum sums as damages for the taking, killing or injury thereof, to wit:

For each elk	\$ 200.00
For each deer	50.00
For each antelope	100.00
For each mountain sheep	200.00
For each buffalo or bison.....	1,000.00

For each beaver	25.00
For each bird	10.00
For each fish	1.00

No verdict or judgment recovered by the state in such action shall be for less sum than hereinbefore fixed, but may be for such greater sum as the evidence may show the value of the animal to have been when living and uninjured. Such action for damages may be joined with the action for possession now provided in said act, and recovery had for the possession and also the damages as aforesaid.

All moneys collected under this section shall be immediately paid over by the justice or clerk of the court collecting the same as follows: One-third into the treasury of the county where the offense was committed, one-third to the fish and game fund, and one-third to the person instituting the action; provided, that if the person instituting the action shall fail for ten days after such collection and due notice thereof to demand the portion to which he is entitled, [the] same shall be paid to the fish and game fund, and the right of such person thereunder shall be deemed forfeited. The commissioner, any warden or officer instituting a prosecution shall be entitled to a share in the fine [sum] collected the same as any other person and [it] shall be a personal perquisite for which he need not account.

Neither the pendency nor determination of such action, nor payment of such judgment, nor the pendency nor determination of a criminal prosecution for the same taking, wounding, killing or possession shall be a bar to the other, nor affect the right of seizure under any other provision of the laws relating to game and fish. [L. '03, p. 243, §3.]

2862. No fine, penalty or judgment assessed or rendered under this act, or the act to which it is amendatory, shall be suspended, reduced or remitted otherwise than as expressly provided by law. [L. '03, p. 243, §4.]

2863. It shall be the duty of the commissioner, and he shall have authority to prescribe and prepare, all the forms and blanks required by this act. He shall also prescribe and prepare forms and blanks for applications for all licenses, certificates and permits, and no license, certificate or permit shall be issued except upon an application sworn to by or on behalf of the applicant, stating his age, place of residence and such other particulars as will identify the person to whom the license, certificate or permit is to be issued, and any false statement in any application shall render the license or permit issued thereon void. [L. '03, p. 243, §5.]

2864. Immediately upon the passage of this act, and every two years thereafter, the commissioner shall revise

and publish in pamphlet form, for general distribution, the laws and regulations in force relating to game and fish, at a cost not exceeding \$300 biennially, and the same shall be prima facie evidence and shall be taken as such in all courts of this state of the existence of such laws, rules and regulations. [L. '03, p. 243, §6.]

XI.

DIVISION M.

Records—Reports—Fees—Repeal—Taking Effect.

2866. The commissioner shall keep a record of all moneys received and of all licenses, certificates, permits and tags issued by him, numbering each class separately, and in case of the loss of any one of them before its expiration by use, or lapse of time, and upon being satisfied of the good faith of the applicant, shall issue a duplicate thereof bearing the same date and number as the original. On the face of such duplicate he shall endorse the following: "Duplicate, original lost," and such duplicate shall have the same force and effect as the original, and he shall collect therefor the same fee as for the original, but not exceeding the sum of \$10.00 in any case. [L. '99, p. 219, §1.]

2867. That commissioner shall charge and collect the following fees:

For each permit to take salmon, etc.....	\$ 1.00
For each permit for storage.....	1.00
For each certificate of importation, edible portion...	1.00
For each scientific permit, domestic society.....	1.00
For each scientific permit, foreign society.....	50.00
For each permit to capture or exchange.....	1.00
For each permit to lessen game or fish in park or lake	1.00
For each bird park, two-year license.....	10.00
For each renewal of same.....	8.00
For each bird park, ten-year license.....	25.00
For each renewal of same.....	20.00
For each lake, two-year license for first lake.....	10.00
For each renewal of same.....	8.00
For each lake, two-year license for each additional lake.. . . .	5.00
For the renewal of same, each additional lake.....	3.00
For each lake, ten-year license for first lake.....	25.00
For each renewal of same.....	15.00
For each lake, ten-year license, each additional lake..	10.00
For each renewal of same, each additional lake.....	5.00
For each preserve, two-year license.....	10.00
For each renewal of same.....	8.00
For each preserve, ten-year license.....	25.00
For each renewal of same.....	15.00

For each transfer of any license.....	1.00
For each permit for transportation out of the state:	
For each elk, edible portion.....	10.00
For each mountain sheep, edible portion.....	5.00
For each deer, edible portion.....	5.00
For each fish, edible portion.....	.25
For each bird, edible portion.....	.25
For each non-resident general hunting licens.....	10.00
For each non-resident bird hunting license for one day.. . . .	1.00
For each non-resident bird hunting license for one week	2.00
For each state hunting license.....	1.00
For each non-resident fishing license.....	2.00
For each guide license.....	5.00
For each taxidermist license, one year.....	5.00
For each importer's license, one year.....	50.00
For each certificate, permit or license not herein provided for.. . . .	1.00

[L. '09, p. —, §4.]

2868. The commissioner shall procure and keep on hand a supply of all blanks required for use under this act, and immediately upon the taking effect thereof shall furnish to the proprietors of licensed parks and lakes, and to importers and vendors entitled under this act to import and sell foreign or domestic game and fish, such blank invoices as they may require, at a price not exceeding 25 per cent. advance on their cost. [L. '99, p. 220, §3.]

2869. When an arrest for a violation of this act is made by a sheriff or constable, the usual fee in a case of misdemeanor shall be taxed in his favor, and if not collected from the defendant, or if the defendant is acquitted, shall be paid by the county; and the necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this act shall be taxed as a part of the costs, and if not collected from some person liable therefor, shall be paid out of the state treasury in the same manner as is provided for the payment of the expenses of the commissioner. [L. '99, p. 221, §4.]

2870. When an arrest for violation of this act is made by the commissioner, or warden, and the defendant is convicted, there shall be taxed as costs in favor of the officer making the arrest the same fees as a constable is entitled to in a case of misdemeanor, and, if collected from the defendant, shall be paid over to such officer and shall be a personal perquisite for which he need not account, but no such fees shall be allowed in case of acquittal, nor shall the county or state be liable for such fees in any event. [L. '99, p. 221, §5.]

2871. In case of a seizure and sale of game or fish

taken or held in violation of this act, the officer making the same shall be entitled to the mileage allowed to a constable for serving a writ of replevin, and the reasonable cost of transporting the game or fish to the place of sale, and \$3 per day for each day actually and necessarily spent in making the sale, which sums he may deduct from the proceeds of sale, but in no event shall the county or state be liable for any deficiency, and such fees when earned by the commissioner or warden shall be a personal perquisite for which he need not account, but when such fees are collected from the proceeds of sale no other expenses shall be allowed any officer on account of the seizure, transportation or sale. [L. '99, p. 221, §6.]

2872. In all cases the officer making a seizure or sale shall, within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses and fees and the disposition thereof, and pay the remainder of the proceeds, if any, to the commissioner. [L. '99, p. 221, §7.]

2873. Every warden shall, in the month of December of each year, and at such other times as the commissioner may require, report to the commissioner as to all violations of and prosecutions under this act occurring in his district, together with such other information as the commissioner may require. [L. '99, p. 222, §8.]

XII.

DIVISION M.

Penalties—Prosecutions—Fines.

2874. Every attempt to violate any provision of this act shall be punishable to the same extent as an actual violation thereof, and any such attempt or violation by an agent, clerk, officer or employe, while acting for a corporation, shall render such corporation liable also, and an accessory may in all cases be prosecuted and punished as a principal. [L. '99, p. 217, §1.]

2875. The failure of any person or officer to perform any act, duty or obligation enjoined upon him by this act shall be deemed a violation thereof. [L. '99, p. 217, §2.]

2876. Every person using dynamite or other explosive, or any poisonous or stupefying substance, or pursuing, taking, wounding, killing or having in possession any bison or buffalo, in violation of this act, shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in the penitentiary not less than six months nor more than two years, or by both such fine and imprisonment. [L. '99, p. 217, §3.]

2877. Every person or officer violating any of the provisions of this act, otherwise than as contemplated in section 3 of this division, shall be guilty of a misdemeanor

and be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment. [L. '99, p. 217, §4.]

2878. Every person convicted and fined under this act shall be imprisoned until the fine and costs are paid, and shall not be discharged therefrom on account of his inability to pay the same until he shall have been actually imprisoned one day for each \$5 of the fine. [L. '99, p. 217, §5.]

2879. Prosecutions under this act may be commenced either by indictment, complaint or information, and district and county courts and justices of the peace in their respective counties shall have concurrent original jurisdiction of all offenses under this act, except those contemplated in section 3 of this division, of which justices of the peace shall not have jurisdiction otherwise than as committing magistrates. [L. '99, p. 218, §6.]

2880. The accused shall be entitled to a jury, as in other criminal cases, and an appeal shall lie from a justice of the peace as in cases of assault and battery. Appeals from and writs of error to the district and county courts shall lie as in other criminal cases. [L. '99, p. 218, §7.]

2881. It shall be the duty of each district attorney to prosecute all violations of this act, occurring within his district, that may come to his knowledge, or when so requested by the commissioner or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioner. [L. '99, p. 218, §8.]

2882. In any prosecution under this act, any participant in a violation thereof, when so requested by the district attorney, commissioner, warden or other officer instituting the prosecution, may testify as a witness against any other person charged with violating the same, and his evidence so given shall not be used against him in any prosecution for such violation. [L. '99, p. 218, §9.]

2883. All moneys collected for fines under this act shall be immediately paid over by the justice or clerk collecting the same, as follows: One-third into the treasury of the county where the offense was committed, one-third to the commissioner, and one-third to the person instituting the prosecution. Provided, that if the person instituting the prosecution shall fail for ten days after such collection and due notice thereof to demand the portion to which he is entitled, the same shall be paid to the commissioner and the right of such person thereunder shall be deemed forfeited.

The commissioner, any warden or officer instituting a prosecution shall be entitled to a share in the fines col-

lected the same as any other person, and it shall be a personal perquisite for which he need not account. [L. '99, p. 218, §10.]

2884. It shall be the duty of every justice of the peace and clerk of a court before whom any prosecution under this act is commenced or shall go on appeal, and within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fine collected, if any, and the disposition thereof to the commissioner at Denver. [L. '99, p. 219, §11.]

2885. The words "said act," wherever used herein, refer to the act to which this is amendatory, and the penal provisions of said act shall be applicable to this act the same as if this act had been incorporated therein and passed as a part thereof, and all acts or parts of acts inconsistent with this act are hereby repealed.

AN ACT

To Protect Birds, and Their Nests and Eggs.

Be it Enacted by the General Assembly of the State of Colorado:

2886. No person shall, within the State of Colorado, kill or catch, or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport, or ship within or without the state, any such wild bird after it has been killed or caught. No part of the plumage, skin, or body of bird protected by this section shall be sold or had in possession for sale except as permitted by this act. For the purpose of this act the following only shall be considered game birds: The anatidae, commonly known as ducks, geese, brants, crane and swan; the rallidae, commonly known as rails, gallinules, coots and phalaropes, avocets, stilts, woodcocks, snipes, dowitchers, sandpipers, sanderlings, godwits, yellow-legs, willets, curlews, plovers, kill-deers and turnstones; the gallinae, commonly known as quails, partridges, grouse, prairie chickens, pheasants, and wild turkeys, the columbae, commonly known as wild pigeons and doves. [L. '03, p. 227, §1.]

2887. No person shall, within the State of Colorado, take or needlessly destroy the nest or the eggs of any wild bird, nor shall have such nests or eggs in his or her possession, except as permitted by this act. [L. '03, p. 227, §2.]

2888. Any person who violates any of the provisions of sections 1 and 2 of this act shall be guilty of a misdemeanor, and shall be liable to a fine of not more than twenty-five dollars for each bird, living or dead, or part of birds, or nest, or set of eggs, or part thereof, possessed in violation of this act, or to imprisonment for not more

than ten days, or both, at the discretion of the court. [L. '03, p. 227, §3.]

2889. Sections, 1, 2, and 3, of this act shall not apply to any person holding a permit giving the right to take any wild birds, their nests or eggs for scientific purposes, as provided for in section 5 of this act. [L. '03, p. 228, §4.]

2890. Permits shall be granted by the State Game and Fish Commissioner or by the Governor, to any properly accredited person of the age of eighteen years or over, authorizing the holder thereof to collect any wild birds, their nests and eggs, for strictly scientific purposes only. In order to obtain such permit the applicant for same must present to the person having the power to grant said permit written endorsement from an incorporated state society of Natural History, certifying to the good character and fitness of said applicant to be intrusted with such privilege; must pay to said person fifty cents to defray the necessary expenses attending the granting of such permits; and must file with said person a properly executed bond, in the sum of one hundred dollars, signed by two responsible citizens of the state as sureties, or issued by some responsible surety company. On proof that the holder of such a permit has killed any bird, or taken the nest or eggs of any bird, for other than scientific purposes, his bond shall be forfeited to the state, and the permit become void, and he shall be further subject for each such offense to the penalties provided therefor in section 3 of this act. The fees collected under this act shall go into the state game fund. [L. '03, p. 228, §5.]

2891. The permits authorized by this act shall be in force for one year only from the date of their issue, and shall not be transferable. [L. '03, p. 228, §6.]

2892. English or European house sparrows (*Passer domesticus*), sharp-shinned hawks (*accipiter velox*), Cooper's hawks (*accipiter cooperi*), goshawks (*accipiter atricapillus*), duck hawks (*falco peregrinus anatum*), great horned owls (*bubo virginianus subarcticus*), pinon jays, magpies, blue jays, and eagles, their nests or eggs, are not included among the birds, their nests or eggs protected by this act. [L. '03, p. 228, §7.]

2893. Form for scientific permit to collect birds and their nests and eggs.

No..... Denver, Colo....., 190..

I;, having received satisfactory evidence that is engaged in the collection of wild birds, birds' nests and eggs for scientific purposes, and having received from h..... the fee and bond as provided for by this act, do hereby grant h..... permission to collect any wild birds, their nests and eggs, for strictly scientific purposes only, in ac-

cordance with the provisions of the law enacted therefor; and in case of wanton destruction of birds, their nests or eggs, or killing birds for other than strictly scientific purposes by said this permit shall be revoked by the grantor thereof, or his successor, his bond shall be forfeited to the state and he shall be subject to the penalties provided in sections 3 and 5 of this act.

This permit expires the day of nineteen hundred, and is not transferable.

The holder thereof is not authorized to collect specimens in defiance of local laws or regulations, nor in violation of laws against trespass on private property.

(Seal)
.....

Approved April 11, 1903. [L. '03, p. 229, §9.]

All acts and parts of acts in conflict with this act are hereby repealed, but such repeal shall not affect or abate any prosecution now pending or hereafter brought for any offense committed prior to the taking effect of this act, but the same may be prosecuted and punished as in said acts provided.

INDEX

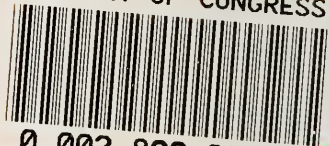
	Section.
Act to protect birds.....	2886
Applications for licenses, etc.....	2863
Appointment of Commissioner and Deputy.....	2725
Appointment and salary of Clerk.....	2727
Appointment of Game Wardens.....	2728
Attempt to violate same as violation.....	2874
Authority of Commissioner.....	2730
Authority of Sheriffs and Constables.....	2734
Baiting traps...	2757
Biennial report of Commissioner.....	2733
Bond of Commissioner.....	2726
Building dams in public streams.....	2817
Civil actions for game.....	2738-2861
County Clerks must make report.....	2844
Corporations, how arrested.....	2750
Commissions revoked...	2751
Coupon attached to deer.....	2841
Dams and fishways.....	2821
Definition of terms used.....	2746
Diversion of waters.....	2773
District Attorney must prosecute.....	2825-2881
Domestic certificate....	2859
Duties of Commissioner and Wardens.....	2732
Dynamiting fish.....	2758
Fines, how disposed of.....	2861
Fines, not remitted or suspended.....	2862
Fees to be collected by Commissioner.....	2867
Fees for hunting licenses—disposition to same.....	2838
Fish killed when taken.....	2756
Game and fish, how shipped.....	2763-2803
Game and fish, how imported.....	2793
Game and fish seized and sold.....	2802-2871
Guide licenses...	2847
Game and fish seized while being transported.....	2735
Game and fish protected.....	2728
Game fund...	2728-2731
Hotels and restaurants.....	2811
Hotels must preserve invoice.....	2813
How game and fish may be shipped from private parks and lakes...	2778
How game and fish may be brought into this state....	2794
Hunting licenses....	2833

Hunting license must be produced.....	2843
Hunting licenses not transferable.....	2839
Indians violating the law.....	2736
Invoice—parks and lakes.....	2776
Importation of game and fish restricted.....	2793
Importer's license.. . . .	2796
Importer's shall invoice.....	2797
Imported game and fish.....	2795
Injunction issued—when.. . . .	2882
Joint ownership of license.....	2788
License when revoked.....	2752
Lakes licensed.. . . .	2761
Licenses when renewed.....	2792
Licenses lost.. . . .	2866
Notices against trespassing.....	2789
Ownership of game and fish.....	2739
Owners of licensed parks and lakes must make report.....	2782
Open seasons.....	2759
Officers' invoice.. . . .	2802
Obstruction of waters.....	2821
Possession prima facie evidence.....	2748-2842
Pollution of streams.....	2820
Prohibited territory.. . . .	2754
Permit for seining.....	2760
Public and private parks.....	2765
Parks licensed.. . . .	2764
Permits to capture or exchange.....	2768
Private parks and lakes—invoice.....	2776
Preserves licensed.....	2783
Public nuisances.. . . .	2762-2815
Packages labeled.. . . .	2806
Penalties, prosecutions, fines.....	2877
Prosecutions, how commenced.....	2879
Replevin of fish and game.....	2738
Records to be kept by Commissioner.....	2866
Repeal of acts.....	2885
Revision of game and fish laws.....	2864
Salary of Commissioner and Deputy.....	2725
Salary of Superintendents.....	2729
Salary of Wardens.....	2728
Scientific permit.. . . .	2854
Seizures and search.....	2734
Selling fish, fry or ova.....	2740
Setting fires.. . . .	2737
Sex—evidence preserved.. . . .	2755
Stocking parks and preserves.....	2767
Storage permits.. . . .	2808
Special counsel employed.....	2825
Specimens imported.. . . .	2851
Sale of game and fish seized.....	2801
Tags—duplicate issued.. . . .	2857

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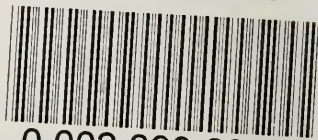
Taking fish or spawn.....	2749
Taxidermist license.. . . .	2850
Transportation permits.....	2803
Transportation out of state.....	2805
Transfer of license.....	2790
Unlawful devices.... . . .	2814
Use of game cash fund.....	2728-2749
Young animals retained.....	2749
Words construed.. . . .	2746
When game and fish may be sold from parks and lakes.	2776
When seized game and fish may be sold.....	2871
When imported game and fish may be sold.....	2796
When game or fish may be transported or sold.....	2763

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